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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,610	02/13/2002	Robert Osann JR.		7407
7590	10/30/2006		EXAMINER	
ROBERT OSANN, JR. 10494 Ann Arbor Ave. Cupertino, CA 95014			TRINH, TAN H	
			ART UNIT	PAPER NUMBER
			2618	

DATE MAILED: 10/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/074,610	OSANN, ROBERT	
	<b>Examiner</b>	<b>Art Unit</b>	
	TAN TRINH	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 11 August 2006.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 17-25 and 52-61 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) 17-25, 52, 53, 59 and 60 is/are allowed.

6)  Claim(s) 54-58 and 61 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date . . . . .

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application  
6)  Other: . . . . .

**DETAILED ACTION*****Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 54-55 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamashita (U.S. Patent No. 6470196).

Regarding claim 54, Yamashita teaches a method for providing an indication of an incoming call a mobile phone (see figs. 2 and 6, col. 2, lines 6-17), comprising: Designating a button or set of buttons such that an incoming call is processed when the button or set of buttons are pressed (see col. 2, lines 22-65); and causing the termination of any audible ring indication upon pressing any buttons on the mobile phone (see col. 3, lines 4-15, and col. 5, lines 5-13, and col. 7, lines 33-42), except the designated button or set of buttons (see col. 5, lines 65-col. 6, lines 13. Since the except designated button or set of buttons is assigned for start key 209 to response key, and that response key will answers the incoming call, otherwise the other assignment key is causing the termination of any audible ring indication); and providing a silent ring indication (see col. 7, lines 33-45. Since the display alert is still displaying on the display 117 for providing silent ring indication).

Regarding claim 55, Yamashita teaches where upon terminating any audible ring indication, a vibrating ring indication is provided (see fig. 4, silent vibration flag 403, col. 6, lines 40-44).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 56 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamashita (U.S. Patent No. 6470196) in view of Dowlat (U.S. Pub. No. 20030054867).

Regarding claim 56, Yamashita teaches where upon terminating any audible ring indication (see col. 3, lines 4-15, and col. 5, lines 5-13, and col. 7, lines 33-42), and the display alert is still displaying on the display 117 for providing silent ring indication (see col. 7, lines 33-45). But Yamashita fails to show a flashing icon on the display of the mobile phone provides a ring indication.

However, Dowlat teaches a flashing icon on the display of the mobile phone continues to provide a ring indication (see page 1, sections [0005-0006]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify above teaching of Yamashita with Dowlat, in order to provide user the display icon on the device to provide a ring indication.

Regarding claim 57, Yamashita teaches a vibrating ring indication is provided (see Yamashita fig. 4, silent vibration flag 403, col. 6, lines 40-44), and Dowlat teaches a flashing icon on the display of the mobile phone continues to provide a ring indication (see Dowlat page 1, sections [0005-0006]). The combination of Yamashita and Dowlat is teaching the invention of the claim. Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify above teaching of Yamashita with Dowlat, in order to provide user the vibrating and display icon on the device to provide a ring indication.

5. Claims 58 and 61 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamashita (U.S. Patent No. 6470196) in view of Guster (U.S. Pub. No. 20030100261).

Regarding claim 57, Yamashita fails to teach further including extending the amount of time any silent ring indications persist before the caller is automatically sent to voice mail if no action is taken by the receiving party. This such teaching is taught by Guster (see fig. 4, and section [0062]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify above teaching of Yamashita with Guster, in order to provide with automatically sent to voice mail if no action is taken by the receiving party.

Regarding claim 61, Yamashita teaches a method for providing an indication of an incoming call a mobile phone (see figs. 2 and 6, col. 2, lines 6-17), comprising: Designating a button or set of buttons such that an incoming call is processed when the button or set of buttons are pressed (see col. 2, lines 22-65); and causing the termination

of any audible ring indication upon pressing any buttons on the mobile phone (see col. 3, lines 4-15, and col. 5, lines 5-13, and col. 7, lines 33-42), except the designated button or set of buttons (see col. 5, lines 65-col. 6, lines 13. Since the except designated button or set of buttons is assigned for start key 209 to response key, and that response key will answers the incoming call, otherwise the other assignment key is causing the termination of any audible ring indication); and providing a silent ring indication (see col. 7, lines 33-45. Since the display alert is still displaying on the display 117 for providing silent ring indication). But Yamashita fails to teach observing the caller ID display on the mobile phone, performed by the receiving party, to aid in the decision of what action to take in processing the call; optionally activating a special courtesy answering mode feature on the mobile phone, performed by the receiving party, wherein a message is played to the calling party indicating in effect that the calling party should wait for a period of time, and that the receiving party will take their call shortly and / or will relocate to a location where they are better able to receive the call. This such teaching is taught by Guster (see fig. 4, and section [0024] for caller ID and voice mail, and section [0062] for delay answering is to provided with the call handled by the voice mail function of the mobile phone).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify above teaching of Yamashita with Guster, in order to provide with automatically sent to voice mail if no action is taken by the receiving party.

***Allowable Subject Matter***

6. Claims 17-25, 52-53 and 59-60 are allowed.

***Reasons for allowance***

7. The following is an examiner's statement of reasons for allowance:

Claims 17-22 are allowed with the same reasons set forth in the previous Office action (paper mailed on 11-30-2005).

Regarding independent claims 23 and 59, the references of Kubo (U.S. Patent No. 6728558) and Kim (U.S. patent No. 20030013496) teaches the flip-type mobile phone for providing an indication of incoming call. Upon opening the flip-type mobile phone and the call is not answered, however any audible ring indication is reduced or lower the level of the sound (see Kubo on fig. 4, step 8-9, that is set to performed when the cover is open, the ring volume reduction and the call is not answered, until the enter the call on step 13, col. 4, lines 47-48, col. 5, lines 15-16, and col. 6, lines 66-col. 7, lines 3). And (see Kim on fig. 2 and 3, when call incoming 300, cover open 302, generate alert sound in low level 306). However, Kubo, Kim and the prior art of record fail to disclose, the flip-type mobile phone for providing an indication of incoming call, Upon opening the flip-type mobile phone and the call is not answered, however any audible ring indication is terminated and a silent ring indication is provided. And for the reasons as stated in applicant's response filed on 8-2-11-2006 on remarks pages 8-11.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(571) 273-8300, (for Technology Center 2600 only)**

*Hand-delivered responses should be brought to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314).*

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Trinh whose telephone number is (571) 272-7888. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor, Anderson, Matthew D., can be reached at (571) 272-4177.

The fax phone number for the organization where this application or proceeding is assigned is **(571) 273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tan H. Trinh   
Division 2618  
October 25, 2006

Anderson, Matthew D. (SPE 2618)

